



INDOT Public Involvement
Procedures
August 2009

Public Involvement Overview

- New procedures document current public involvement process
- Jointly Approved by INDOT & FHWA in March 2009. Last update was 1997
- Federal and State laws, regulations, and guidance
- Planning and Programming



Public Involvement Overview

- The NEPA process
- Design and Noise mitigation public involvement
- The LPA public involvement process
- Subsequent products to be published later this year; (1) P.I. Handbook and (2) P.I. Appendices



Planning & Programming Process

- MPO, INDOT Districts
- District wide APDP Early Coordination Meetings
- Elected officials, MPO, INDOT District, INDOT Planning/Programming to produce “agreed upon” list of new & proposed projects.
- District Public Meetings



Developing a PI Plan

- Minor Projects: public notice, media advisory, posting information on agency website, distribution of flyers within project area.
- Major projects: public notice, Community Advisory Meetings, public meetings, a hearing, project specific website, toll free hot line, etc.



Formal Public Involvement

- Public Hearings Office will offer the opportunity or hold a hearing when:
- Project requires more than 0.5 permanent new R/W; refer to public involvement procedures
- Project substantially changes function of connecting roadways



Formal Public Involvement

- Proposal has a substantial adverse impact on abutting property
- Proposal has a significant social, economic, environmental effect
- INDOT and FHWA determine a hearing is warranted



Formal Public Involvement

- Some projects are exempt from formal public involvement requirements
- *The proposal does not involve NEW R/W impacts but rather reacquiring past prescriptions (i.e. existing or apparent existing R/W)*



Formal Public Involvement

- *The proposal involves the acquisition of donated R/W from property owner*
- *Acquiring R/W presently within INDOT apparent R/W to establish legal documented ownership*



Formal Public Involvement

- *Additional R/W needed for mitigation purposes, for projects where original R/W impacts as described in the environmental document were less than 0.5 acre*
- *NOTE: a change in project scope may require additional formal public involvement*



Categorical Exclusion (CE)

- Legal Notice of Planned Improvement to inform public and solicit comments
- **Minimum of 2 notices published** in project area's most widely circulated papers
- Publish in diverse & minority papers where applicable
- **Mail copies of notice** to project mailing list
- Send copies of environmental/design plans & other materials to public viewing locations



Planned Improvement Notice

- Informing the public of proposed improvement
- Soliciting public comment
- Opportunity to request a public hearing
- Issued for small scale projects where a public hearing isn't the best option
- Opportunity for PI with a “personal touch”



Planned Improvement Notice

- **A minimum 15 day deadline** from the date the 1st legal notice appears in the newspaper;
- The public may request a public hearing be held. If INDOT determines a hearing is in public's best interest, the hearing is announced via subsequent public notice.
- For CE's meeting the minimum criteria, a public hearing may be held or the opportunity to request a public hearing must be offered.



Planned Improvement Notice

- However, **INDOT typically allows a minimum 30-day period** after the publishing of the legal notice if concerns are submitted during comment period and it is determined that a hearing will not be held.
- Allows INDOT the opportunity to contact property owners, project stakeholders, etc to adequately address concerns and **document** the public involvement process.
- INDOT Hearings Office will “sign off” on cover page of document that PI requirements have been satisfied at conclusion of public involvement process.



Environmental Assessment (EA)

- **Legal Notice of Public Hearing** to invite public meet & to solicit public comment
- **At minimum 2 notices** must be published in project area most widely circulated papers
- Where applicable - diverse & minority papers
- Mail notices to project mailing list
- Environmental document & other materials sent to public viewing locations
- A CAC could be formed upon consultation with INDOT and FHWA



Environmental Assessment (EA)

- The EA shall be available to the public for a minimum of **15 days in advance** of the public hearing and shall be available at the public hearing.
- The deadline for receiving public comments must provide a minimum of **30 days for public review.**
- **A public hearing must be held for all EA projects; prepare transcript**



Environmental Assessment

- INDOT will issue **a public notice announcing** the FONSI decision and the availability of the FONSI document; send correspondence to mailing list
- Hearings office to sign cover page of document once PI requirements have been met.
- INDOT frequently chooses to supplement the required public involvement activities for EAs by holding additional public information meeting(s).



Environmental Impact Statement

- Legal Notice of Public Hearing to invite public to meet & to solicit comments
- **At minimum 2 notices** must be published in project area's most widely circulated papers
- Where applicable – diverse & minority papers
- **Mail notices / correspondence** to project mailing list
- Environmental documentation & other materials must be sent to public viewing locations (also internet website, CD)
- **CAC is formed for all EIS projects.**



Environmental Impact Statement

- INDOT must provide a **minimum of 15 days** public notice before holding a public hearing.
- The public is encouraged to comment on the DEIS. Federal law establishes a **maximum public comment period of 60 days** starting from the date of EPA's Notice of Availability of the DEIS in the Federal Register to encourage timely project development.
- Public Hearings transcript is prepared following the public hearing.



Environmental Impact Statement

- **A public notice will be issued announcing that the FEIS** is approved and available for public viewing at public repositories
- **30 day public availability** following the announcement of the FEIS
- Notice/correspondence mailed to project stakeholders via mailing database
- Notices published in same papers as DEIS
- **Public notice issued at ROD**; correspondence mailed to mailing database.

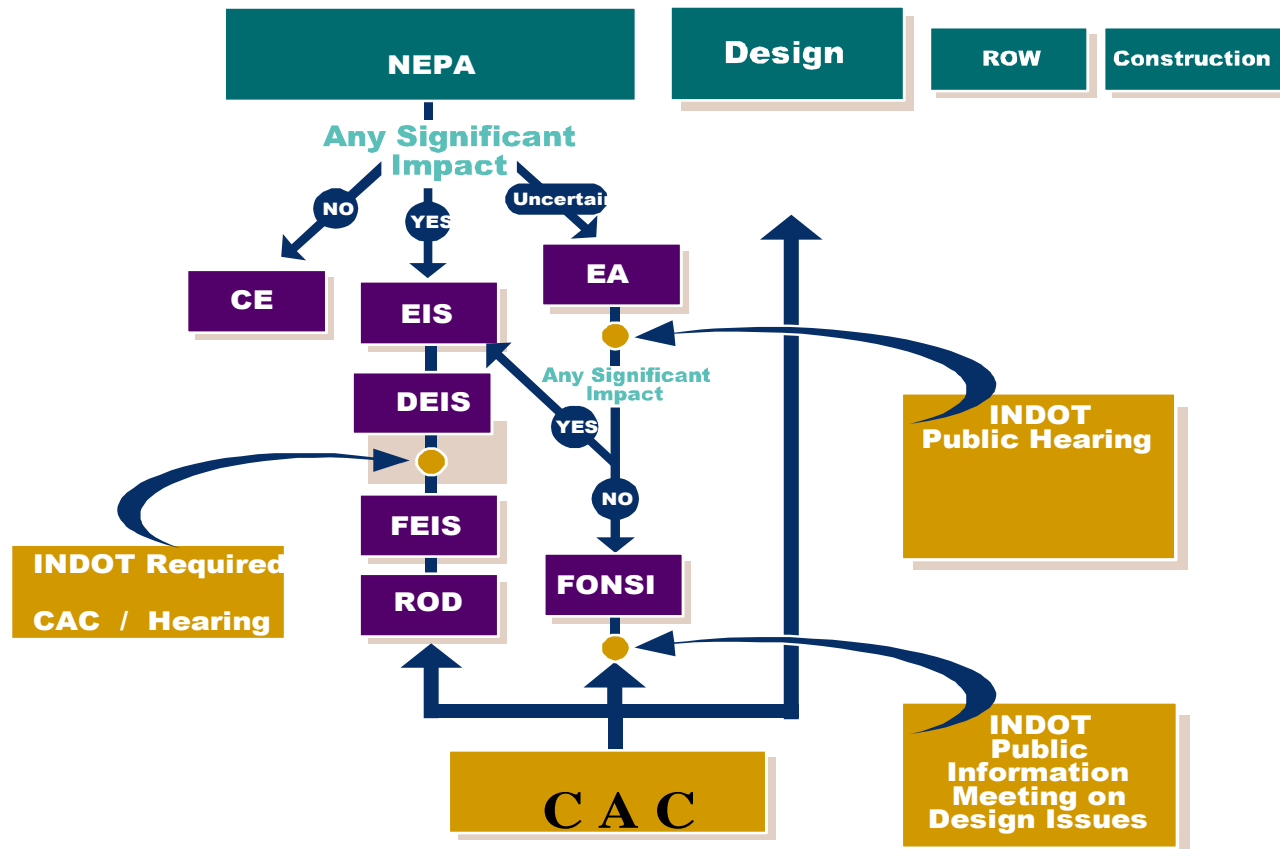


Environmental Impact Statement

- INDOT frequently chooses to supplement the required public involvement activities for EIS's by holding additional public information meetings during project design and by disseminating information through mailing lists, newsletters, and postings on its website www.in.gov/dot



Public Involvement during NEPA



Public Involvement Activities

- Refer to Summary in new Procedures document. See pages 44 – 46 in PI document.



Noise Mitigation P.I.

- 23 CFR 772.11 (f) states: The views of the impacted residents will be a major consideration in reaching a decision on the reasonableness of abatement measures to be provided.



Noise Mitigation P.I.

- **Mailings** could include questionnaires to elicit views regarding noise barriers
- **Meetings** with residents and/or businesses who may be impacted
- **Interviews** with residents and businesses
- **General Public Information Meetings**
- INDOT will conduct 1 or more activities



Public Meeting vs. Public Hearing

- Indiana Code 8-23-2-17 Public Hearings
- Sec. 17 (a) A “public hearing” means an assembly or a meeting by the department for the purpose of:
 - (1) providing information early in the decision making process
- Considering economic, social, environmental, other effects on highway proposals



Public Meeting vs. Public Hearing

- (b) whenever the department holds a public hearing, the department shall allow any person an opportunity to be heard in the presence of others who are present to testify
- The department, through the commissioner or designee, may limit testimony at a public hearing to a reasonable time
- Source: Indiana Code



Public Hearing vs. Public Meeting

- Our usual format includes an Open House session, presentation, then public comments.



Public Hearing vs. Public Meeting

- Public Comments are the primary focus of any public meeting or hearing.



Public Hearing vs. Public Meeting

- Display Areas can help you better engage project stakeholders.



Public Hearing vs. Public Meeting

- INDOT Project Officials attend to address questions, comments, and concerns.



Public Meeting vs. Public Hearing

- Public Meeting's are held at sole discretion of INDOT
- Are held to solicit input on project decisions
- Not required by law or regulation
- Can be advertised at INDOT's discretion
- Requires no formal certification or transcript
- Are held to better serve our customers and to address community concerns



Public Meeting vs. Public Hearing

- Public Hearings are required as part of the NEPA process
- Must be held at a critical decision-making point
- Set requirements for legal advertising
- Formal proceedings, transcript and comment periods
- Feedback requirements following hearing



LPA Public Involvement Process

- Draft environmental document must be “released for public involvement”
- Document release processed through District Coordinator & District ESM for level 1 & 2 CE’s; OES for level 3 & FHWA for level 4 CE’s
- Upon conditional release of document (initialing of cover page of document), INDOT’s Hearings Office should be contacted for authorization to proceed to Hearings phase.
- Hearings Section will request a copy of the initialed cover page of document



LPA Public Involvement Process

- LPA must decide whether they would
(1) advertise hearings opportunity or
(2) hold a public hearing
- Hearings Section is available to assist LPA in drafting legal notices, making environmental documents available to public viewing locations, legal advertising issues, and etc.



LPA Public Involvement Process

- Once public involvement activities for your CE project have been completed, INDOT Hearings Office will request documentation.
- Publisher's affidavits, legal notices, mailing list, public comments submitted in response to legal advertisement; **a LPA hearings phase checklist is available for review.**
- For projects where a hearing was held, a public hearings transcript is required.
- Hearings Section to sign-off (completion of PI requirements) on cover page of environmental document.



Questions or Comments

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- THANK YOU

